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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/894,050	06/28/2001	Leif Wilhelmsson	34650-00670USPT	5408	
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JENKENS &	GILCHRIST		DEANE JR,	WILLIAM J	
3200 Fountain I	Place				
1445 Ross Aver	nue		ART UNIT	PAPER NUMBER	
Dallas TX 75	202-2799		2642		

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Technology Center 2600

Office Action Summary Examiner William J Deane 2642 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		Application No.	Applicant(s)				
## Examiner William							
Period for Reply A SHORTENED STATUTORY PERIOD FOR REDLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REDLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILLING DATE of FIHIS COMMUNICATION. It the period for reply specified above is less than the provisions of 37 CPR 1.136(s). In so event, horovers, may a reply to timely filled address of the control of the specified of the specified above is less than the 30 (20) days, as reply within the address minimum of therty (03) days will be considered littled). If the period for reply specified above is less than the 10 (20) days, as reply within the darked mainting and the specified is the specified by the station cannot be application of the 10 (3) days will be considered littled). If the period for reply specified above is less than the mainting date of the communication, and the 10 (4) days will be considered littled). If the period for reply specified above is less than the mainting date of the communication, and the 10 (4) days will be considered littled). Part reply received by the Office later from the mainting date of this communication, and prophytication and the 10 (4) days will be considered littled). Part reply received by the Office later from the mainting date of the communication, and the specification is non-final. 3) Broad in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6b Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6c Claim(s) 1-39 is/are allowed	Office Action Summary						
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THE MAILING DATE OF THIS COMMUNICATION. Edenators of time may be available under the provisions of 3 CPR 1.136(a). In no event, however, may a reply be limely filed after SIX (8) MONTHS from the mailing date of this communication. If NO provide or reply is qualified above, the maintain attactor, pecked was payde and vill caper, \$1X (8) MONTHS from the maining date of this communication. If NO provide or reply is qualified above, the maintain attactor, pecked was payde and vill caper, \$1X (8) MONTHS from the maining date of this communication. Failure to reply villain the sact or oderedod provide the nineton embrace above, the maintain adjust and the sact pecked was accordance to the sact provided the sact pecked was accordance to the sact pecked and the sact pecked was accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Status 1) □ Responsive to communication(s) filed on \$01/30/2002. 2a) □ This action is FINAL. 2b) □ This action is replaced to the provided and the provided and the provided and the provided and accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 1-39 is/are pending in the application. 4a) □ Claim(s) 1-39 is/are pending in the application. 5) □ Claim(s) 1-39 is/are pending in the application. 5) □ Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 1-39 is/are pending in the application. 4a) □ The drawning(s) filed on 1 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on 1 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 10 □ The drawing(s) filed on 1 is/are: a) □ accepted or b) □ objected to by the Examiner. Application from the individual paper and pap	• •						
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	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal F					

Application/Control Number: 09/894,050

Art Unit: 2642

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 6, 8, 10 – 15, 17 – 20, 22 – 29, 31 – 32, 34 – 35 and 37 – 39 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/48586 (Posti).

Posti teaches a dynamic carrier selection method in which a carrier candidate list is created and changing from one carrier to another when the quality of the first carrier is not acceptable (see Abstract). In addition, note page 3, lines 9 – 32. Note ranking and re-ranking of candidate carriers (Page 6, line 21 – Page 7, line 13), quality measuring and threshold (Page 9, lines 4 – 10, Page 10, lines 14 – 17). Frequency – hopping (Page 10, 27 – 30 & Page 12, lines 14 - 35).

With respect to claim 8, 10, 20, 22, 24, 26, 35, 37 such is inherent with RSSI.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 7, 16, 30, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posti in view of 6,519,460 (Haartsen).

Posti does not specifically recite the use of a high-speed communications.

However, Haartsen teaches that such is old in the art (see Abstract). It would have been obvious to one of ordinary skill in the art to have incorporated such a high-speed communications means as taught by Haartsen into the Posti device as such would only entail the substitution of one communication means for another.

Claims 9, 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posti in view of WO 93/26100 (Israelsson).

Posti does not specifically recite a C/I. However, Israelsson teaches the use of C/I (note claim 13 of Israelsson). It would have been obvious to one of ordinary skill in the art to have incorporated such C/I into the Posti device as such would only entail the addition of a well-know quality measuring means or substitution of one quality measuring means for another.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Nos. 6,760,317 (Honkanen et al.), 6,687,239 (Koprivica), 6,449,462 (Gunnarsson et al.), 6353645 (Solve et al.), 6,351,643 (Haartsen), 6,188,715 (Partyka), 5,752,192 (Hamabe) – note Abstracts and Figs.

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Page 4

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

26Sep04

WILLIAM J. DEANE, JR

Notice of References Cited Application/Control No. O9/894,050 Page 1 of 1 Applicant(s)/Patent Under Reexamination WILHELMSSON ET AL. Art Unit Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
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	С	US-6,519,460	02-2003	Haartsen, Jacobus Cornelis	455/452.1	
	D	US-6,449,462	09-2002	Gunnarsson et al.	455/67.13	
	E	US-6353645	03-2002	Solve et al.	375/354	
	F	US-6351643	02-2002	Haartsen	455/450	
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NON-PATENT DOCUMENTS

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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Form PTO-1449 Modified

Docket No.: 34650-Q0670USPT

Serial No.: 09/894,050

List of Patents and Publications
Cited by Applicant
(Use several sheets if necessary)

Applicants: Leif WILHELMSSON et al.

U.S. Patent Department of Commerce Patent and Trademark Office Filing Date: June 28, 2001 **Group:** 2661

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		C2	U.S. Provisional Patent Application Number 60/180,095, filed on February 3, 2000.				
		C3	U.S. Provisional Patent Application Number 60/212,774, filed on June 20, 2000.				
	1	C4	U.S. Patent Application Number 09/894,052, filed on June 28, 2001.				
C5		C5	U.S. Provisional Patent Application Number 60/226,965, filed on August 22, 2000.				
C6		C6	U.S. Patent Application Number 09/706,071, filed on November 3, 2000.				
C7		C7	U.S. Patent Application Number 09/710,204, filed on November 9, 2000.				
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